

AMENDMENTS TO THE DRAWINGS

Please replace the originally filed Figs. 13-16, 17A-17D, 18A-18D, and 19A-19D with the replacement Figs. 13-15, 16A-16D, 17A-17D, and 18A-18D enclosed herein.

REMARKS

Revocation and New Power of Attorney & Change of Correspondence Address

Applicants include a Revocation and New Power of Attorney, signed by Youssef S. Wakil, M.D., as Chairman/CEO of the Assignee, Tracey Technologies, LLC and appoints the undersigned to prosecute the above-referenced patent application before the U.S. Patent and Trademark Office.

Status of the claims

Claims 1-46 are pending in the application. Claims 1-46 are rejected. No claim amendments are made herein.

Amendments to the Specification

Applicants have amended the figure identifiers in the specification to correspond to the renumbered figure identifiers on the amended and/or corrected drawings. Also, Applicants have incorporated the equations and concentric ring pattern projection depths, d_1 to d_6 depicted in original Fig. 14 into the specification. No new matter is added in these amendments.

Amendments to the Drawings

Applicants submit replacement drawings for original Figs. 14-16, 17A-17D, 18A-18D, and 19A-19D in compliance with 37 C.F.R. 1.121(d). Although not objected to by the Examiner, original Figs. 19A-19D also are

corrected. Applicants have deleted original Fig. 13 and renumbered original Figs. 14-16, 17A-17D, 18A-18D, and 19A-19D as Figs. 13-15, 16A-16D, 17A-17D, and 18A-18D. The drawings have been corrected to eliminate informalities and each is identified as a Replacement Sheet.

Original Fig. 13 depicted a well-known standard model of the eye readily available to and easily identifiable as such by one of ordinary skill in the art and need not be included herein. Information identifying the various indices of refraction and the offset between the lens plane and corneal plane also are disclosed in the specification. The equations in original Fig. 14 have been deleted from the amended figure and incorporated into the specification.

The 35 USC §102(b) Rejections

Claims 1-2, 12-13, 15-16, 19, 26-27, 37-38, 42-43, and 46 are rejected under 35 U.S.C. §102(b) as being anticipated by **Molebny et al.** (U.S. Patent No. 6,409,345). Applicants respectfully traverse this rejection.

The instant application is a continuation-in-part of and claims priority to U.S. Serial No. 10/137,720 which is a continuation-in-part of U.S. Serial No. 09/634,487, issued as U.S. Patent No. 6,409,345, which patent is cited herein as anticipating claims 1-2, 12-13, 15-16, 19, 26-27, 37-38, 42-43, and 46. The intervening application U.S. Serial No. 10/137,720 contains the identical disclosure in the specification identified by the Examiner as supporting an anticipation rejection as the cited U.S. Patent No. 6,409,345. For example, compare col. 8, ll. 20 to col. 9, ll. 51, col. 11, ll. 36-61 and col. 15, ll. 65 to col. 16,

II. 7 of '345 with PP [0049] to [0053], [0063] and [0088] of U.S. Pat. Pub. No. 2003/0011745 of the intervening application U.S. Serial No. 10/137,720, respectively. The specifications of both support the rejected claims.

Thus, there is no break in the chain of priority from the instant application to the cited U.S. Patent No. 6,409,345. Therefore, **Molebny et al.** is not a proper prior art reference and cannot anticipate independent claims 1 and 26 nor dependent claims 2, 12-13, 15-16, 19, 26-27, 37-38, 42-43, and 46. Accordingly, in view of the arguments presented herein, Applicants respectfully request that the rejection of claims 1-2, 12-13, 15-16, 19, 26-27, 37-38, 42-43, and 46 under 35 U.S.C. §102(b) be withdrawn.

The 35 USC §103 Rejections

Claims 3-11, 14, 17-18, 20-25, 28-36, 39-41, and 44-45 are rejected under 35 USC §103(a) as being unpatentable over **Molebny et al.** in view of **Schelonka** (U.S. Pub. No. 2003/0199858), **Penney et al.** (U.S. Patent No. 5,258,791) and **Ross et al.** (U.S. Pub. No. 2003/0142271). Applicants respectfully traverse this rejection.


As discussed *supra*, **Molebny et al.** is not a proper prior art reference against independent claims 1 and 26. Therefore, the removal of **Molebny et al.** as the primary reference against dependent claims 3-11, 14, 17-18, 20-25, 28-36, 39-41, and 44-45 obviates their rejection under 35 USC §103(a). Accordingly, in view of the arguments presented above, Applicants

request that the rejection of the claims 3-11, 14, 17-18, 20-25, 28-36, 39-41, and 44-45 under 35 USC §103(a) be withdrawn.

This is intended to be a complete response to the Office Action, mailed September 28, 2006. Applicants submit that pending claims 1-46 are in condition for allowance. If any issues remain outstanding, the Examiner is respectfully requested to telephone the undersigned attorney of record for immediate resolution. Applicants also include a Petition for a Three Month Extension of Time. Please charge the \$510 extension fee to the credit card identified on the enclosed Form PTO-2038. **ONLY IN THE ABSENCE** of Form PTO-2038, please debit any applicable fees from Deposit Account No. 07-1185, upon which the undersigned is allowed to draw.

Respectfully submitted,

Date: March 26, 2007
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U.S. Patent Application Serial No. 10/714,454

Please direct all correspondence and telephone calls concerning the referenced patent to:

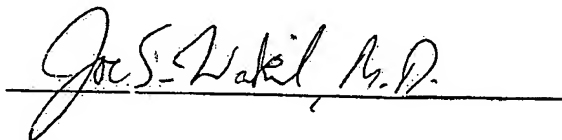
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The undersigned applicant and representative of the above-identified assignee certifies that the above-identified assignee is the assignee of the entire right, title, and interest in the referenced application by virtue of a chain of title from the inventors of the above identified application.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the above-identified applicant.

The undersigned hereby declares that all statements made herein of the undersigned's own knowledge are true, that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the referenced application or any patents issuing thereon.

Signature:



Dated:

3/19/07

Name:

Joe S. Wakil, M.D. (Individually and on behalf of Tracey Technologies, LLC)